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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re S.R., a Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.W.,

Defendant and Appellant.

B291358

Los Angeles County
Super. Ct. No. DK23794A

APPEAL from an order of the Superior Court of
Los Angeles County, Nancy Ramirez, Judge. Appeal dismissed.

Judy Weissberg-Ortiz, under appointment by the Court
of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, and Stephen D. Watson, Deputy
County Counsel, for Plaintiff and Respondent.

Father appealed from a disposition order to continue drug testing, which the juvenile court made after finding he had a 30-year history of recurrent substance abuse that endangered the safety of his four-year-old daughter, S.R. Father also challenged the court's finding that his daughter is not an Indian child under the Indian Child Welfare Act (ICWA).

While this appeal was pending, the juvenile court entered an order granting father and S.R.'s mother joint legal and physical custody of the child. The court then terminated its jurisdiction over S.R., finding that those conditions which justified the initial assumption of jurisdiction under Welfare and Institutions Code section 300 no longer exist and are not likely to exist if supervision is withdrawn. The order terminating jurisdiction renders father's appeal from the disposition order moot, because there is no more effective relief that this court could grant father from the disposition order. (See *In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498 [a case is moot when it is "impossible for the appellate court to grant the appellant effective relief"].)

The order terminating jurisdiction also renders father's challenge to the ICWA finding moot, because the child welfare agency can no longer seek permanent foster care or the termination of parental rights in this proceeding. (See *In re Alexis H.* (2005) 132 Cal.App.4th 11, 14 ["By its own terms, [ICWA] requires notice only when child welfare authorities seek permanent foster care or termination of parental rights; it does not require notice *anytime* a child of possible or actual Native American descent is involved in a dependency proceeding."]; see also 25 U.S.C. § 1912, subd. (a); 25 C.F.R. § 23.11(a) (2018).)

We nevertheless reiterate the settled rule that “[t]he responsibility for compliance with the ICWA falls squarely and affirmatively on the court and the [child welfare agency]” (*Justin L. v. Superior Court* (2008) 165 Cal.App.4th 1406, 1410), and emphasize that this affirmative duty can be carried out only if the child welfare agency provides the juvenile court with copies of the ICWA notices it has sent to the relevant tribes and government agencies. (See Welf. & Inst. Code, § 224.3, subd. (a) [“Copies of all notices sent shall be served on all parties to the dependency proceeding and their attorneys.”].) Without copies of those documents, the court cannot ensure that notice was properly given. (See *Justin L.*, at p. 1410 [“When notice is required but not properly given, the dependency court’s orders are voidable.”].)

Because the order terminating jurisdiction renders father’s appeal moot, we will dismiss the appeal. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490 [“When the court cannot grant *effective* relief to the parties to an appeal, the appeal must be dismissed.”]; *Costa Serena Owners Coalition v. Costa Serena Architectural Com.* (2009) 175 Cal.App.4th 1175, 1205-1206 [“ ‘ ‘ ‘It is this court’s duty ‘ ‘to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.’ ” ’ ” ’ ” ’ ”].)

DISPOSITION

The appeal is dismissed.

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EGERTON, J.

We concur:

LAVIN, Acting P. J.

DHANIDINA, J.